

HOUSE BILL No. 1175

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-17-3-13; IC 15-20.

Synopsis: Companion animal sterilization program. Requires that a dog or a cat in an animal care facility be spayed or neutered before being adopted. Defines an "animal care facility" as an animal control center, an animal shelter, a humane society, or another animal impounding facility that has as its purpose the humane treatment of animals and that has dogs or cats that are available for adoption (includes both governmental and private entities). Requires an animal care facility to report annually to Spay-Neuter Services of Indiana, Inc., certain information regarding its dogs and cats. Requires Spay-Neuter Services of Indiana, Inc., to prepare and submit to the state board of animal health and the legislative council a report of the information received from animal care facilities. Establishes the Indiana companion animal sterilization fund (fund) and the Indiana companion animal sterilization program under the administration of Spay-Neuter Services of Indiana, Inc., to provide at a reduced charge to eligible applicants spaying or neutering services for a dog or cat owned or harbored by the eligible applicant. Defines an "eligible applicant" as an individual whose annual income does not exceed 200% of the federal poverty level. Appropriates money in the fund.

Effective: July 1, 2015.

Karickhoff

January 12, 2015, read first time and referred to Committee on Agriculture and Rural Development.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1175

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 15-17-3-13, AS AMENDED BY P.L.50-2010,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 13. In addition to the powers and duties given the
4 board in this article and by law, the board has the powers and duties
5 reasonable and necessary to do the following:
6 (1) Provide for the quarantine of animals and objects to prevent,
7 control, and eradicate diseases and pests of animals.
8 (2) Develop, adopt, and implement programs and procedures for
9 establishing and maintaining accredited, certified, validated, or
10 designated disease or pest free or disease or pest monitored
11 animals, herds, flocks, or areas, including the following:
12 (A) The establishment and maintenance of herds that are
13 monitored for disease or pest syndromes.
14 (B) The establishment and maintenance of certified or
15 validated brucellosis free herds, animals, and areas.



- 1 (C) The establishment and maintenance of accredited
2 tuberculosis free herds, animals, and areas.
- 3 (3) Develop, adopt, and implement programs and plans for the
4 prevention, detection, control, and eradication of diseases and
5 pests of animals.
- 6 (4) Control or prohibit, by permit or other means, the movement
7 and transportation into, out of, or within Indiana of animals and
8 objects in order to prevent, detect, control, or eradicate diseases
9 and pests of animals. When implementing controls or
10 prohibitions, the board may consider whether animals or objects
11 are diseased, suspected to be diseased, or under quarantine, or
12 whether the animals or objects originated from a country, a state,
13 an area, or a premises that is known or suspected to harbor
14 animals or objects infected with or exposed to a disease or pest of
15 animals.
- 16 (5) Control or prohibit the public and private sale of animals and
17 objects in order to prevent the spread of disease and pests of
18 animals.
- 19 (6) Control the use, sanitation, and disinfection of:
20 (A) public stockyards; and
21 (B) vehicles used to transport animals and objects into and
22 within Indiana;
23 to accomplish the objectives of this article.
- 24 (7) Control the use, sanitation, and disinfection of premises,
25 facilities, and equipment to accomplish the objectives of this
26 article.
- 27 (8) Control the movement of animals and objects to, from, and
28 within premises where diseases or pests of animals may exist.
- 29 (9) Control the movement and disposal of carcasses of animals
30 and objects.
- 31 (10) Control the manufacture, sale, storage, distribution, handling,
32 and use of serums, vaccines, and other biologics and veterinary
33 drugs, except those drugs for human consumption regulated under
34 IC 16-42-19, to be used for the prevention, detection, control, and
35 eradication of disease and pests of animals.
- 36 (11) Control and prescribe the means, methods, and procedures
37 for the vaccination or other treatment of animals and objects and
38 the conduct of tests for diseases and pests of animals.
- 39 (12) Develop, adopt, and implement plans and programs for the
40 identification of animals, objects, premises, and means of
41 conveyances. Plans and programs may include identification:
42 (A) of animals or objects that have been condemned under this



- 1 article; and
- 2 (B) related to classification as to disease, testing, vaccination,
- 3 or treatment status.
- 4 (13) Establish the terms and method of appraisal or other
- 5 determination of value of animals and objects condemned under
- 6 this article, the payment of any indemnities that may be provided
- 7 for the animals and objects, and the regulation of the sale or other
- 8 disposition of the animals or objects.
- 9 (14) Control the sale of baby chicks.
- 10 (15) Cooperate and enter into agreements with the appropriate
- 11 departments and agencies of this state, any other state, or the
- 12 federal government to prevent, detect, control, and eradicate
- 13 diseases and pests of animals.
- 14 (16) Control or prohibit the movement and transportation into, out
- 15 of, or within Indiana of wild animals, including birds, that might
- 16 carry or disseminate diseases or pests of animals.
- 17 (17) Provide for condemning or abating conditions that cause,
- 18 aggravate, spread, or harbor diseases or pests of animals.
- 19 (18) Establish and designate, in addition to the animal disease
- 20 diagnostic laboratory under IC 21-46-3-1, other laboratories
- 21 necessary to make tests of any nature for diseases and pests of
- 22 animals.
- 23 (19) Investigate, develop, and implement the best methods for the
- 24 prevention, detection, control, suppression, or eradication of
- 25 diseases and pests of animals.
- 26 (20) Investigate, gather, and compile information concerning the
- 27 organization, business conduct, practices, and management of any
- 28 registrant, licensee, permittee, applicant for a license, or applicant
- 29 for a permit.
- 30 (21) Investigate allegations of unregistered, unlicensed, and
- 31 unpermitted activities.
- 32 (22) Institute legal action in the name of the state of Indiana
- 33 necessary to enforce:
- 34 (A) the board's orders and rules; and
- 35 (B) this article.
- 36 (23) Control the collection, transportation, and cooking of garbage
- 37 to be fed to swine or other animals and all matters of sanitation
- 38 relating to the collection, transportation, and cooking of garbage
- 39 affecting the health of swine or other animals and affecting public
- 40 health and comfort.
- 41 (24) Adopt an appropriate seal.
- 42 (25) Issue orders as an aid to enforcement of the powers granted



by this article, IC 15-18-1, and IC 15-19-6.

(26) Control disposal plants and byproducts collection services and all matters connected to disposal plants and byproducts collection services.

(27) Abate biological or chemical substances that:

(A) remain in or on any animal before or at the time of slaughter as a result of treatment or exposure; and

(B) are found by the board to be or have the potential of being injurious to the health of animals or humans.

(28) Regulate the production, manufacture, processing, and distribution of products derived from animals to control health hazards that may threaten:

(A) animal health;

(B) the public health and welfare of the citizens of Indiana; and

(C) the trade in animals and animal products in and from Indiana.

(29) Cooperate and coordinate with local, state, and federal emergency management agencies to plan and implement disaster emergency plans and programs as the plans and programs relate to animals in Indiana.

(30) Assist law enforcement agencies investigating allegations of cruelty and neglect of animals.

(31) Assist organizations that represent livestock and poultry producers with issues and programs related to the care of livestock and poultry.

(32) Establish a registry of commercial dog brokers and commercial dog breeders in Indiana.

(33) Receive and publicly disclose information received under IC 15-20-4-8.

SECTION 2. IC 15-20-4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 4. Spay-Neuter Requirement for Animal Care Facilities

Sec. 1. As used in this chapter, "animal care facility" refers to an animal care facility (as defined in IC 6-9-39-1) that has companion animals that are available for adoption. The term includes both governmental and private entities.

Sec. 2. As used in this chapter, "companion animal" means a dog or a cat.

Sec. 3. As used in this chapter, "reporting entity" means Spay-Neuter Services of Indiana, Inc.



1 **Sec. 4.** Except as provided in section 5 of this chapter, a
 2 companion animal shall be spayed or neutered before adoption
 3 from an animal care facility.

4 **Sec. 5.** A companion animal may be exempted from the
 5 requirements of section 4 of this chapter if:

6 (1) a veterinarian (as defined in IC 15-17-2-102) determines,
 7 following an examination, that the companion animal has a
 8 health condition that precludes safe administration of a
 9 spay-neuter procedure; or

10 (2) the companion animal is less than six (6) months of age
 11 and a deposit of seventy-five dollars (\$75) is made to the
 12 animal care facility before adoption.

13 **Sec. 6. (a)** A deposit made under section 5(2) of this chapter
 14 shall be held by the animal care facility in a separate account. The
 15 deposit shall be:

16 (1) returned to the depositor not later than one hundred
 17 twenty (120) days after the date of receipt of the deposit by
 18 the animal care facility if proof is given that a spay-neuter
 19 procedure has been completed on the companion animal; or

20 (2) forfeited after one hundred twenty (120) days after the
 21 date of receipt of the deposit by the animal care facility, if
 22 proof is not given under subdivision (1).

23 (b) If a deposit is forfeited under subsection (a)(2), the animal
 24 care facility holding the deposit shall remit the forfeited deposit
 25 amount to the Indiana companion animal sterilization fund
 26 established under IC 15-20-5-2 within a reasonable time.

27 **Sec. 7. (a)** This section applies beginning January 1, 2016.

28 (b) In order to evaluate the effectiveness of the spay-neuter
 29 requirement under section 4 of this chapter, an animal care facility
 30 shall report to the reporting entity before October 1 of each year
 31 the following information concerning the preceding year:

32 (1) The intake, adoption, and euthanasia statistics for
 33 companion animals at the animal care facility.

34 (2) The number of spay-neuter surgeries performed on
 35 companion animals adopted from the animal care facility.

36 (3) Any other information that the reporting entity considers
 37 pertinent for purposes of this section.

38 The reporting entity shall produce and distribute to animal care
 39 facilities a standard form on which the animal care facilities can
 40 report the information required under this section.

41 **Sec. 8. (a)** This section applies beginning January 1, 2016.

42 (b) Before December 1 of each year, the reporting entity shall



prepare and submit a report of the information the reporting entity receives under section 7 of this chapter to the Indiana state board of animal health and the legislative council. The report submitted under this section must use aggregated data in a manner that protects the identity of the animal care facilities. The report to the legislative council must be in an electronic format under IC 5-14-6.

SECTION 3. IC 15-20-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 5. Indiana Companion Animal Sterilization Program

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Administering entity" refers to Spay-Neuter Services of Indiana, Inc.
- (2) "Animal care facility" has the same meaning as set forth IC 15-20-4-1.
- (3) "Companion animal" means a dog or a cat.
- (4) "Eligible applicant" means an individual whose annual income does not exceed two hundred percent (200%) of the federal poverty level.
- (5) "Fund" refers to the Indiana companion animal sterilization fund established by section 2 of this chapter.
- (6) "Program" refers to the Indiana companion animal sterilization program conducted under section 5 of this chapter.
- (7) "Veterinary services provider" means:
 - (A) a veterinarian (as defined in IC 15-17-2-102), if the veterinarian provides veterinary services as a sole proprietor; or
 - (B) a professional services corporation or other business entity authorized under Indiana law to provide veterinary services, if a veterinarian provides veterinary services through the veterinarian's affiliation with the professional services corporation or other business entity.

Sec. 2. (a) The Indiana companion animal sterilization fund is established for the purpose of receiving money from the sources listed in subsection (b) to provide for spaying or neutering services for companion animals on behalf of eligible applicants under this chapter. The fund shall be administered by the administering entity.

(b) The fund consists of the following:

- (1) Appropriations by the general assembly.



(2) Donations.

(3) Federal grants or other federal appropriations.

(4) Amounts remitted to the fund by an animal care facility under IC 15-20-4-6(b).

(5) Interest and other earnings derived from investment of money in the fund.

(c) Expenses of administering the fund shall be paid from money in the fund. The administering entity shall not expend annually more than ten percent (10%) of the fund for administrative costs.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) Money in the fund is continuously appropriated for the purposes of this chapter.

Sec. 3. (a) The following amounts are appropriated to the administering entity for further credit to the fund from the state general fund:

(1) Three million dollars (\$3,000,000) for the state fiscal year beginning July 1, 2015, and ending June 30, 2016.

(2) Two million dollars (\$2,000,000) for the state fiscal year beginning July 1, 2016, and ending June 30, 2017.

(b) This section expires July 1, 2017.

Sec. 4. Any money coming into possession of the administering entity under this chapter shall be deposited, held, secured, invested, and paid in accordance with the general statutes concerning the handling of public funds. The handling and expenditure of money coming into possession of the administering entity is subject to audit and supervision by the state board of accounts.

Sec. 5. (a) The administering entity shall conduct a program to provide spaying or neutering services at a reduced charge to an eligible applicant for companion animals owned or harbored by the eligible applicant.

(b) The administering entity may:

(1) contract with veterinary services providers that wish to participate in the program;

(2) determine the maximum reimbursement amount under the program for the performance of a spaying or neutering service by:

(A) a veterinary services provider; or



1 **(B) an animal care facility;**
2 **for a companion animal owned or harbored by a eligible**
3 **applicant; and**
4 **(3) administer the fund and process reimbursement claims by:**
5 **(A) veterinary services providers; and**
6 **(B) animal care facilities;**
7 **under the program.**

